

## ***SUBTITLE 40.2***

### ***LAND USE DISTRICTS***

#### **40.200 LAND USE DISTRICTS – GENERAL PROVISIONS**

##### **40.200.010 PURPOSE**

The land use regulations and zoning maps of the UDC constitute the zoning ordinance and regulations for the unincorporated area of the county. It is the purpose of this title to classify, designate and regulate the development of land for agriculture, forest, residential, commercial, industrial and public land uses as a means of implementing the Clark County comprehensive plan text and map; to provide adequate open spaces for light, air and the prevention of fires; to provide the economic and social advantages which result from an orderly, planned use of land resources; to facilitate energy conservation and the use of renewable energy resources to enhance the livability and quality providing a basis for wise decisions with respect to such development; to provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities; to provide for the preservation of adequate space for industrial, commercial and other activities necessary for a healthy economy; to lessen congestion of streets; to seek alternative transportation options in conformance with the adopted county transportation plan; to stabilize expectations regarding future development, thereby, timely and reasonable administration respecting the due process set forth in this title and other applicable laws; and to protect and promote the public health, safety and general welfare.

##### **40.200.020 ZONING CLASSIFICATIONS**

- A. Classification of Zoning Districts. For the purposes of this title, the county is divided into zoning districts designated as shown in Table 40.200.020-1.

Table 40.200.020-1. Zoning Districts				
Zoning District	Map Symbol	Urban	Rural	Code Section
RESOURCE AND RURAL DISTRICTS (40.210)				
Forest and Agriculture	FR-80, FR-40, AG-20		X	40.210.010
Agricultural-Wildlife	AG-WL		X	
Rural	R-20, R-10, R-5		X	40.210.020
Rural center residential	RC-1, RC-2.5		X	40.210.030
Urban reserve	UR-20, UR-10		X	40.210.040
URBAN AREA RESIDENTIAL DISTRICTS (40.220)				
Single-family residential	R1-20, R1-10, R1-7.5, R1-6, R1-5	X		40.220.010
Residential	R-12, R-18, R-22, R-30, R-43	X		40.220.020
Office residential	OR-15, OR-18, OR-22, OR-30, OR-43	X		
COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS (40.230)				
Rural commercial	CR-1, CR-2		X	40.230.010
Neighborhood commercial	C-2	X		
Community commercial	C-3	X		
Limited commercial	CL	X		
Highway commercial	CH	X		
Mixed use	MX	X		40.230.020
Office campus	OC	X		40.230.030
Business park	BP	X		40.230.040
University	U	X		40.230.050
Airport	A	X	X	40.230.060
Urban holding	UH-20, UH-10, UH-5	X		40.230.070

Table 40.200.020-1. Zoning Districts				
Zoning District	Map Symbol	Urban	Rural	Code Section
Light industrial	ML	X		40.230.080
Heavy industrial	MH	X	X	
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA DISTRICTS (40.240)				
Gorge Large-Scale Agriculture	GLSA-80, GLSA-40		X	40.240
Gorge Small-Scale Agriculture	GSSA-20		X	
Gorge Small Woodland	GSW-40, GSW-20		X	
Gorge Open Space	GOS		X	
Gorge Residential	GR-5		X	
Gorge Public Recreation	GPR		X	
Gorge SMA Agriculture	GSAG		X	
Gorge SMA Federal Forest	GSFF		X	
Gorge SMA Non-Federal Forest	GSNFF		X	
Gorge SMA Open Space	GSOS		X	
OVERLAY DISTRICTS (40.250, 40.420 and 40.460)				
Airport Environs	AE-1, AE-2	X	X	40.250.010
Surface mining	S	X	X	40.250.020
Historic Preservation		X	X	40.250.030
Floodplain	FP	X	X	40.420
Shoreline	SL	X	X	40.460

**B. Zoning maps.**

1. Original maps. The designations, locations and boundaries of the districts set forth in Chapter 40.200 shall be shown on the zoning maps of Clark County, Washington. Said maps and all notations, references, data and other information shown thereon shall be and are hereby adopted and made a part of this title. The signed copies of the zoning maps containing the zoning districts designated at the time of adoption of ordinance codified in this title shall be maintained without change on file in the office of the County Auditor. Any land or property not specifically identified with a zone designation shall be considered to be zoned as is the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.
2. Revised maps. The board may, from time to time, direct the County Auditor to replace the official zoning maps, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Such maps, or portions thereof, filed as replacements, shall bear dated, authenticating signatures of the board and County Auditor. Any maps or portions thereof thereby replaced shall be retained in a separate file by the County Auditor. Any revisions or replacements of said maps, when duly entered, signed, and filed with the County Auditor as authorized by this chapter, are part of this title.
3. Copies of maps. The responsible official shall maintain up-to-date copies of the zoning maps. The responsible official shall cause the copies of the zoning maps to be revised so that they accurately portray changes of zone boundaries.

**40.200.030 INTERPRETATIONS**

- A. Authorization for similar uses. The responsible official may determine that a use, not specifically named in the allowed uses of a district, may be included among the allowed uses; provided, however, that a use already allowed in any other zoning district, except the industrial zoning districts, may not be permitted. The responsible official must find that the proposed use is similar in nature and has impacts on adjacent land uses and property similar to uses already allowed in the district. When this determination is made in conjunction with another application it shall be considered as the same type and subject to the same appeals process, pursuant to Chapter 40.500, as the associated application. When this determination is made without any associated application, but for a specific lot, it shall be considered a Type II process. If this determination is made without any associated application, and without a specific lot identified it shall be considered as a Type I process. This

determination may be appealed at this stage or when the determination is used in a subsequent application for development.

- B. Interpretation of the district boundaries. The district boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any district as shown on the zoning maps, the following rules shall apply:
1. Wherever the zone boundary is indicated as being along or approximately along a street, alley, the centerline of a block, or a property line, then, unless otherwise definitely indicated on the maps, the centerline of the street, alley, or block, or the property line, shall be construed to be the boundary of the zone.
  2. Where the location of a zone boundary line is not determined by the above rule, and is not indicated by a written dimension, the boundaries shall be located by the use of the scale appearing on the maps.
  3. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district-abutting each side of such street, alley, or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
  4. Where the application of the above rule does not clarify the zone boundary location, the responsible official shall interpret the maps, and by written decision, determine the location of the zone boundary. Said written decision shall be kept on file with the County Auditor.

#### **40.200.040 MINIMUM AND MAXIMUM CALCULATIONS**

A. General Rule

1. When determining maximum standards for planning related calculations (including density, parking setbacks, etc.), the final number in any calculation shall be rounded down to the nearest whole unit. However, if two or more amounts must be added to figure a total, applicants shall use numbers accurate to two decimal places (hundredths) when adding the amounts and round off only the total. For example, if the density for a project were determined to be 15.89 units, only 15 units would be permitted.
2. When determining minimum standards for planning related calculations (including density, parking setbacks, etc.), the final number in any calculation shall be rounded up to the nearest whole unit. However, if two or more amounts must be added to figure a total, applicants shall use numbers accurate to two decimal places (hundredths) when adding the amounts and round off only the total. For example, if the required parking for a project were determined to be 15.89 spaces, a total of 16 spaces would be required.
3. These standards shall not apply for the purposes of engineering related calculations (surveying information, stormwater calculations, road construction information, etc.).

B. Density Calculations

1. For all urban zoning districts with minimum densities except R1-5, R1-6, R1-7.5, R1-10 and R1-20, the following shall apply:
  - a. Minimum density or floor area ratio will be based on the developable area of the lot that remains after subtracting:
    - (1) Land dedicated for public roads, public parks and trails, required landscaping and drainage ways;
    - (2) Land designated by covenant or public dedication to be permanently maintained in an undeveloped state because the land is identified as sensitive due to the presence of steep slopes, unstable land, historical or archaeological sites, wetlands and buffers, or other permanent physical development limitations as may be determined by the responsible official. All other lands shall be considered in the calculation of minimum density including required setbacks, private recreation or common areas.
  - b. Maximum density or floor area ratio shall be calculated based upon the gross area of the site, excluding public right-of-way.
2. For the R1-5, R1-6, R1-7.5, R1-10 and R1-20 zoning districts, minimum and maximum densities shall be calculated pursuant to the standards in Chapter 40.220.

- C. Lot Area Calculations. Lot area is the computed area contained within the lot lines excluding street or alley rights-of-way; except for areas designated industrial urban reserve, urban reserve, urban holding, rural 5, 10 and 20, agricultural and forest, land dedicated or acquired hereinafter for public right-of-way shall not be excluded from the calculation of the lot sizes.

#### **40.200.050 EXCEPTIONS TO LOT SIZE STANDARDS FOR EXISTING LOTS OF RECORD**

- A. If, as of June 11, 1980, a lot of record, or the aggregate of abutting lots or land parcels held in single ownership has an area of dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district; provided, however, that the use of a lot in a residential district which has an area deficiency shall be limited to a single-family dwelling.
- B. If, as of June 11, 1980, a lot of record was lawfully occupied by two (2) or more single-family residences, such lot may be granted short plat approval under Chapter 40.540 of this code in order to permit the segregated sale of such residences, even though some or all of the resulting new lots will have dimensions less than required for the zoning district in which the property is located; provided, however, that the degree of density nonconformity shall not be increased. All lots shall have a minimum of twenty (20) feet of access to a public or private street.

#### **40.200.060 EXCEPTIONS TO HEIGHT LIMITATIONS**

Height limitations set forth elsewhere in this title shall not apply to the following: barns, silos, water towers and tanks, or other farm buildings and structures, provided, they are not less than fifty (50) feet from every lot line; chimneys, church spires, belfries, cupolas, domes, smoke-stacks, flagpoles, grain elevators, cooling towers, solar energy systems, monuments, fire house towers, masts, aerials, elevator shafts, and other similar projections, and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.

#### **40.200.070 EXCEPTIONS TO SETBACK REQUIREMENTS**

- A. Projections into Required Setbacks. Certain architectural features and structures may project into required setbacks as follows:
1. Side Setback. The following features and structures may project into the required side setback not more than two (2) feet; provided the width of such side setback is not reduced to less than three (3) feet:
    - a. Cornices, canopies, eaves, belt courses, sills or other similar architectural features;
    - b. Fireplaces; and
    - c. Uncovered open porches, decks, landings or stairways not more than thirty (30) inches in height above finished grade,Projections into the side setback shall not include living space such as bay windows or overhanging breakfast nooks, etc.
  2. Front and Rear Setback. Projections that include living space, such as bay windows or overhanging breakfast nooks, etc. and fireplaces may extend up to two (2) feet into the required front or rear setback.
  3. Front Setback. Fire escapes, open-uncovered porches, balconies, decks, landing places, outside stairways or fireplaces may project not more than six (6) feet into the required front setback. This is not to be construed as prohibiting open porches or stoops, not exceeding eighteen (18) inches in height, and not approaching closer than eighteen (18) inches to any lot line.
  4. Side or Rear Setback in single-family residential districts (R1-5, R1-6, R1-7.5, R1-10 and R1-20). Garden sheds meeting all of the following requirements may be located in the side or rear setback of single-family residential districts (R1-5, R1-6, R1-7.5, R1-10 and R1-20):
    - a. A plot plan drawn to scale showing all existing structures on the site and the proposed garden shed together with the distances between structures and from structures to the abutting property lines;
    - b. Receipt for shed showing total construction costs which do not, with labor, exceed the monetary value contained in Section 14.04.125(12);
    - c. A completed setback waiver for the garden shed application showing the approval of abutting properties that would be affected by the waiver;
    - d. Provisions to ensure that roof drainage is contained on-site;
    - e. Shed must be less than one hundred twenty (120) square feet floor area;

- f. Shed must be less than twelve (12) feet in height;
  - g. Certification that no utilities will be connected to the garden shed.
5. Above ground utilities.

**B. Exceptions to Front Setback Requirements.**

- 1. If there are dwellings on both abutting lots with front setbacks less than the required depth for the district, the front setback for the lot need not exceed the average front setback of the abutting dwellings.
- 2. If there is a dwelling on one (1) abutting lot with a front setback less than the required depth for the district, the front setback need not exceed a depth of half-way between the depth of the front setback on the abutting lot and the required front setback depth.
- 3. In the R1-5, R1-6, R1-7.5, R1-10, R1-20 districts, where a temporary turnaround easement constitutes all or part of the front lot line, front setbacks shall be a minimum of ten (10) feet from the temporary easement for the dwelling and fifteen (15) feet for the associated garage. Front setbacks from access and right-of-way easements intended to be permanent shall continue to be as stipulated by the applicable zoning district standard.

**C. Building setback lines which do not meet the requirements of this title but which were legally established prior to June 11, 1980, shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel, providing that no structure or portion of such addition may further project beyond the established building line.**

**D. For the purpose of establishing setbacks from the property lines, any single-family residential (R1-5, R1-6, R1-7.5, R1-10, R1-20) lot of record as defined in Section 40.100.070, which has a smaller width, lot depth and/or lot area than that required by this title, may use that residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.**

**40.200.080 SPECIAL SETBACK LINES**

- A. Purpose. Because of heavy or arterial traffic volume and congestion, existing or probable intensive or commercial development of abutting properties, substandard paving widths, the probability of inadequate sight distances, and other like conditions affecting traffic safety and light, air, and vision along streets, the board finds that public health, safety and welfare require that building setback lines, as hereinafter specified, be and are hereby, established on all properties abutting the streets and sections of streets referred to in Section 40.200.080(B), below. Where applicable, requirements set forth in this provision shall be in addition to the setback requirements specified for the zoning districts. Unless otherwise specified, the distances set forth shall be measured from the centerline and at right angles to the centerline of the right-of-way.
- B. Designation of streets. Development abutting a street for which a standard has been established by the Clark County Arterial Atlas, shall use as the line of reference for establishing the setback distance, the distance from the centerline necessary to accommodate one half (1/2) of the right-of-way standard established by the arterial plans for the street. The building setback shall be in addition to the special setback and shall be the appropriate setback for that particular district.
- C. Compliance. The special setback area shall be treated as additional required setback area. The area shall be reserved for future street widening purposes.
- D. Variance procedures. Where practical difficulties, unnecessary hardships, and results inconsistent with the general purposes of this section may result from the strict application of the provisions of this section, a variance may be granted pursuant to the provisions and procedures set forth in Chapter 40.550.